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UNCLAS SECTION 01 OF 02 ANKARA 004337

SIPDIS

SENSITIVE

STATE FOR EUR/SE, EB/EPD, AND EB/TPP/ABT  
DEPT PLEASE PASS USTR FOR NOVELLI, LERRION  
USDA FOR FAS FOR ITP/BERTSCH, MACKE, MEYER;  
CMP FOR ALL COMMODITY DIVISIONS  
EMO/FREEDAN  
USDA FOR APHIS/ACKERMAN, PATEL  
USDA FOR GIPSA/FGIS REILLY  
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E.O. 12958: N/A

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SUBJECT: Turkish Quarantine Regs-Oops They've Done it Again

Ref:(A) 2002 Ankara 9192 (B) Ankara 441 (C)Ankara 1035

Sensitive but Unclassified. Not for Internet Distribution.

1. (SBU) Summary. Despite recent assurances from the Ministry of Agriculture officials that new quarantine regulations would not go into effect until July 2004, Turkey announced and implemented new phytosanitary regulations on July 6, 2003. Most foreign embassies, trade associations and trading companies were unaware of the announcement. A translated version has been sent to USDA electronically. Ankara had reminded Turkish officials that any new regulations should be notified through the WTO to no avail. End Summary.

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Quarantine Regulations: A Complicated History  
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2. (SBU) As part of its EU harmonization process, Turkey issued new phytosanitary regulations in July 2002 with an implementation date of January 2003. Unfortunately, the 2002 regulations included some fairly onerous requirements and, as a result, trade in corn and wheat practically stopped in January 2003. Pressure from the various groups including the Turkish Feed Association, international trading companies and foreign embassies resulted in a suspension of the 2002 regulations. Between February and June 2003, the Turkish Ministry of Agriculture's Protection and Control Secretariat solicited input from various groups including USDA in order to rewrite the regulations. As the process dragged on, we were informed from various sources that new regulations would be announced but that they would not be implemented until 2004.

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Turkish Regulations - Coming Sooner than Anticipated  
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3. (SBU) On July 7, FAS/Ankara was notified that the Turkish Protection and Control Department in the Ministry of Agriculture had published and implemented new quarantine regulations and that implementation would be immediate. We had met with Abdulmecit Yesil, the head of the quarantine section of Protection and Control, at the beginning of June to discuss this issue. We were informed that the regulations would be published shortly and distributed to all Embassies in Ankara. At the same time, Yesil again stated that the new regulations would not go into effect until July 2004. As late as last Friday, the Cargill/Ankara representative had spoken with Turkish officials who assured him that the new regulations would be delayed by one year. According to a trade contact, there was some sort of dispute between Protection and Control and the Prime Minister's legal office who demanded immediate implementation. As a result, the new regulations went into effect in 2003 instead of 2004 as originally planned.

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Some Changes  
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14. (SBU) We again met with Yesil on July 7. He announced that Protection and Control had no choice in the announcement and that implementation had to be immediate, for the most part. He noted that some provisions would be phased in over the course of three months. We have not been able to determine whether this 3-month grace period is in place. These changes would be related to EU harmonization and European Plant Protection Organization (EPPO) regulations, but he was not specific.

15. (SBU) Yesil stated that an English translation of the document was in its final stages and would be distributed to embassies in Ankara. This translation has subsequently been received and sent to Washington electronically. According to Yesil, testing for fusarium, a highly controversial part of the July 2003 regulations has been dropped as has the inconsistencies related to kiln-dried wood products.

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Private Sector - New Regs May Not be a Problem  
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16. (SBU) We contacted several companies and associations as well as western embassies regarding the announcement. Most were unaware of the new regulations. Cargill/Istanbul did know about the announcement and their impression was that it would not affect imports of corn or wheat from any country. Comment. In addition, some provisions may be delayed for 90 days. End comment. However, until we are able to do a closer examination of the regulations, we cannot confirm. Note: Oilseeds and cotton, two of the largest commodities the U.S. exports to Turkey, are not covered by the regulations. End note. Cargill officials did say that planting seeds could be affected by the regulation. Calls to several embassies showed that none were aware of the announcement. We have contacted traders who are currently unloading corn shipments. There have been no delays or problems with the current certificates.

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WTO Notifications - A Nice Try  
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17. (SBU) Turkey's record on adhering to WTO rules has been inconsistent at the very least. In fact many, although not all, frustrations with Turkish ag trade policy could be avoided if Turkish officials were more transparent. In June, knowing that the new regulations would soon be published, we reminded the Ministry of Agriculture and the Under Secretariat for Foreign Trade that any change in their regulations should be notified through the WTO. We were assured, as we have been many times in the past that Turkey would comply with their WTO responsibilities. However, it came as no surprise that notifications had not been made.

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Comment: Good Response but No Cigar  
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18. (SBU) We have received an English translation of the regulations and have sent it to USDA electronically. We have also sent a letter to the Director of Protection and Control requesting a 90-day delay in implementation. In general, we have found most officials at the Ministry of Agriculture to be helpful over the past several months. Protection and Control officials were not only willing but requested U.S. input for the regulations that we have taken as encouraging sign. However, in the end their abrupt announcement and the absence of any official notification only serves to question the ability and willingness of the Turkish government to comply with international trade rules.

Pearson